

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GEORGE BISHOP,	§
	§ No. 8, 2019
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID Nos. 1712005140 (N)
STATE OF DELAWARE,	§ & 1802006245 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: May 17, 2019

Decided: June 21, 2019

Before **STRINE**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

Upon consideration of the appellant's Supreme Court Rule 26(c) brief, the State's response, and the record below, it appears to the Court that:

(1) In February 2018, the appellant, George Bishop, was charged by indictment with multiple crimes including Assault in the Second Degree, Assault in the Third Degree, Strangulation, Terroristic Threatening, and Tampering with a Witness. On August 6, 2018, Bishop pled guilty to Strangulation, Tampering with a Witness, and Assault in the Third Degree. The remaining charges were dismissed. The Superior Court sentenced Bishop as follows: (i) for Strangulation, five years of Level V incarceration, suspended after three years for decreasing levels of supervision; (ii) for Tampering with a Witness, five years of Level V incarceration,

suspended after three years for one year of Level III probation; and (iii) for Assault in the Third Degree, one year of Level V incarceration. This is Bishop's direct appeal.

(2) On appeal, Bishop's counsel ("Counsel") filed a brief and a motion to withdraw under Supreme Court Rule 26(c) ("Rule 26(c)"). Counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. Counsel informed Bishop of the provisions of Rule 26(c) and provided Bishop with a copy of the motion to withdraw and the accompanying brief. Counsel also informed Bishop of his right to identify any points he wished this Court to consider on appeal. Bishop has not submitted any points for the Court's consideration. The State has responded to the Rule 26(c) brief and argues that the Superior Court's judgment should be affirmed.

(3) When reviewing a motion to withdraw and an accompanying brief, this Court must: (i) be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (ii) conduct its own review of the record and determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.¹

(4) The Court has reviewed the record carefully and conclude that Bishop's appeal is wholly without merit and devoid of any arguably appealable issue. We

¹ *Penson v. Ohio*, 488 U.S. 75, 83 (1988); *Leacock v. State*, 690 A.2d 926, 927-28 (Del. 1996).

also are satisfied that counsel made a conscientious effort to examine the record and the law and properly determined that Bishop could not raise a meritorious claim on appeal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice